

## **Frequently Asked Questions about the U.S. Fish and Wildlife Service's Role in Federal Dam Operations in the ACF River Basin**

**May 22, 2012**

### **Q: What is the role of the U.S. Fish and Wildlife Service (Service) in the operations of the Federal dams on the Chattahoochee River?**

A: Under the Endangered Species Act (ESA), the U.S. Army Corps of Engineers (Corps) is required to consult with the Service if their activities may affect federally protected species and habitats. The Service's formal response is a Biological Opinion under the ESA. The Service does not tell the Corps what to do. Instead, the Corps initiates consultation on its operating plans or activities to ensure compliance with the ESA. The Service determines if their activities would jeopardize the continued existence of protected species or adversely modify their designated critical habitat, and seeks ways to minimize the harm.

### **Q: What did the Service's Biological Opinion determine?**

A: The Service determined the Corps' dam operations under the Revised Interim Operations Plan (RIOP) would not jeopardize the continued existence of three federally listed freshwater mussel species or adversely modify their critical habitat. The Service also concurred with the Corps' determination that the RIOP would not likely adversely affect the threatened Gulf sturgeon or its critical habitat because protective measures are in place. Among the various components of the RIOP, the Service also specifically considered dam operations during a drought, when the Corps reduces the amount of water flowing into the Apalachicola River in Florida to as low as 4,500 cubic feet per second (cfs).

Along with the BO, the Service issued an Incidental Take Statement which exempts the Corps from "take" under the ESA and allows a limited amount of "take" or harm to the protected mussels as part of the Corps' dam operations.

### **Q: Are there any conditions on the Biological Opinion?**

A: Yes. The Service and the Corps agreed to three reasonable and prudent measures that are mandatory. They are: 1) Adaptive management. The Corps will review new mussel data in annual reports and semi-annual meetings with the Service and identify ways to further minimize harm. 2) Maintain the Chattahoochee Gage on a monthly basis. The Corps will ensure the USGS gage, which measures the volume of water released from Woodruff Dam, aligns properly with river depth, which changes over time and has a more direct impact on mussels at low flows. 3) Monitoring. The Corps will monitor the level of take associated with the RIOP and evaluate ways to minimize harm by studying the distribution and abundance of the listed species in the Apalachicola River.

### **Q: The Service issued a Biological Opinion on the Corps' RIOP in 2008. Why is the Service issuing another Biological Opinion on the RIOP now?**

A: The Corps' monitoring efforts, required by the 2008 Biological Opinion, indicated that mussels recolonized habitats at bank elevations above 5,000 cfs since 2008. When flows declined in September 2010, the Service found that substantial numbers of fat threeridge were exposed and killed. The new information prompted additional consultation, resulting in this latest Biological Opinion. During this consultation, the Corps agreed to modify the RIOP to reduce the impact of their operations on mussels. Therefore, the RIOP reviewed in this Biological Opinion is also slightly different than the RIOP of 2008.

**Q: What changes did the Corps make to the RIOP?**

A: The Corps made five modest changes to the RIOP. Overall, the changes are designed to prevent the river levels from falling too quickly and exposing fish and mussels; to minimize the impact of the RIOP's lower flows for longer durations; and to conserve more water in reservoirs during droughts.

**Q: Is the ACF Basin in a drought?**

A: Yes. According to the [U.S. Drought Monitor](#) the basin is in varying levels of drought. Storage levels in the Corps' reservoirs are below normal. In response, and according to the RIOP, the Corps reduced the flow of water from Woodruff Dam into the Apalachicola River to around 5,000 cubic feet per second (cfs) starting on May 1. This will remain the flow while the Corps stores all available rainfall until the basin recovers sufficiently. If the drought becomes even more severe and storage is reduced to the Corps' drought zone, the flows in the Apalachicola River will be further reduced to 4,500 cfs until storage levels recover.

**Q: How was the minimum flow of water from Woodruff Dam into the Apalachicola River established?**

A: The Corps set 5,000 cfs as the minimum flow of water out of Woodruff Dam into the Apalachicola River in 1957, shortly after the dam was constructed. This minimum release is also included in the 1989 draft Water Control Plan (WCP) for the ACF projects and the Interim Operating Plan (IOP) for the releases from Woodruff Dam developed in 2006.

When the Corps developed the Revised Interim Operation Plan (RIOP) in 2008 to respond to a historic drought, the minimum flow was dropped to 4,500 cfs for limited periods. The minimum release is designed to conserve water, to ensure the Apalachicola-Chattahoochee-Flint River Basin can continue serving a variety of water needs for the millions of people who depend on it.

**Q: Does the U.S. Fish and Wildlife Service require the Corps to release at least 4,500 cfs or 5,000 cfs?**

A: No. The Corps operates the reservoirs according to its own operating plans (the WCP, IOP and RIOP, described above), and these include minimum releases of 5,000 cfs or 4,500 cfs from Woodruff Dam.

The Service's role is to ensure the Corps is complying with the Endangered Species Act. The Corps first requested formal consultation with the Fish and Wildlife Service in 2006, to determine if its operations were in compliance with the ESA. Informal consultation between the two agencies began in the 1990s.

**Q: What would trigger the Corps to enter another round of ESA consultations with the Service?**

A: The Biological Opinion provided to the Corps is effective for five years, through May 22, 2017. No further consultation is needed with the Service until then unless the Corps operates Woodruff Dam in a way that is different from the RIOP and the terms and conditions agreed to in the Biological Opinion; new information is discovered; the Corps finalizes a new Water Control Plan for the ACF Basin; or more mussels are "taken" or harmed under the Corps' operations than is anticipated. The anticipated "take" of no more than 6 Chipola slabshells, 60 purple bankclimbers, and 18,300 fat threeridge mussels.